

AN ORDINANCE

99667

**ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$712,779.00 FROM WESTFIELD CONSTRUCTION, L.P., TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE POOL FACILITY ADA MODIFICATIONS PROJECT, LOCATED IN COUNCIL DISTRICTS 5, 6 AND 7; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$106,900.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR PARK MATERIALS; AUTHORIZING \$1,500.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$822,179.00 FROM CERTIFICATES OF OBLIGATION AND PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

\* \* \* \* \*

**WHEREAS**, Elmendorf Park Pool, located at 3700 W. Commerce in City Council District 5; Cuellar Park Pool, located at 5626 San Fernando in City Council District 6; and Monterrey Park Pool, located at 5909 W. Commerce in City Council Districts 5 and 7 all require modifications in order to comply with current Americans with Disability Act (ADA) standards and these needed improvements were identified through a Department of Justice inspection of various City facilities in January 2000; and

**WHEREAS**, the firm of Madeline Anz Slay Architecture, PLLC, a SDWBE firm, was selected through Ordinance 97461 on April 14, 2003 to design improvements that focus on ADA modifications and renovations to the three pool facilities, including path of travel, locker rooms, restrooms, pool access, pool decking and other improvements as required; and

**WHEREAS**, Westfield Construction, L.P. had the lowest qualified base bid of \$697,256.00 and the lowest bid overall with bid alternates of \$712,779.00; and

**WHEREAS**, it is now necessary to accept the low qualified bid of Westfield Construction, L.P. for said work, authorize a standard public works construction contract for said project, amend the project budget; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The low qualified bid of \$712,779.00 from Westfield Construction, L.P. for capital improvements to Elmendorf Park Pool, Cuellar Park Pool, and Monterrey Park Pool, is hereby accepted. The City Manager, or her designee is hereby authorized to execute a standard form public works construction contract for the job. All other bids will be deemed rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of sixty (60) days

from the effective date of this ordinance accepting the low bid, whichever event occurs first.

**Section 2.** The amount of \$817,332.00 is appropriated in Fund 43-182000, 2002 Parks and Recreation Improvements, in index code 942250, entitled Trf to 43-182003. The amount of \$817,332.00 is authorized to be transferred from fund 43-182000 to fund 43-182003.

**Section 3.** The budget in fund 43-182003, Certificates Of Obligation Capital Proj, shall be revised by increasing index code 103937, entitled Trf Fr 43-182000, by the amount of \$817,332.00.

**Section 4.** The amount of \$4,847.00 is appropriated in fund 45-804000, 2003 Park Bonds, in index code 942268, entitled Trf to 43-182003. The amount of \$4,847.00 is authorized to be transferred from fund 45-804000 to fund 43-182003.

**Section 5.** The budget in fund 43-182003, Certificates Of Obligation Capital Proj, shall be revised by increasing index code 103960, entitled Trf Fr 45-804000, by the amount of \$4,847.00.

**Section 6.** The amount of \$712,779.00 is appropriated in fund 43-182003, Certificates Of Obligation Capital Proj, in index code 484758, entitled Construction Contract, and is authorized to be encumbered and made payable to Westfield Construction, L.P., for construction in connection with the 2003 Pool Facility ADA Improvements Project.

**Section 7.** The amount of \$106,900.00 is appropriated in fund 43-182003, Certificates Of Obligation Capital Proj, in index code 485003, entitled Construction Contingency, and is authorized to be encumbered and made payable for construction contingency expenses in connection with the 2003 Pool Facility ADA Improvements Project.

**Section 8.** The amount of \$1,000.00 is appropriated in fund 43-182003, Certificates Of Obligation Capital Proj, in index code 485128, entitled Park Materials, and is authorized to be encumbered and made payable for park materials in connection with the 2003 Pool Facility ADA Improvements Project.

**Section 9.** The amount of \$1,500.00 is appropriated in fund 43-182003, Certificates Of Obligation Capital Proj, in index code 485136, entitled Mandatory Project Fees, and is authorized to be encumbered and made payable for mandatory project fees in connection with the 2003 Pool Facility ADA Improvements Project.

**Section 10.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**Section 11.** This ordinance shall become effective on and after September 19, 2004.

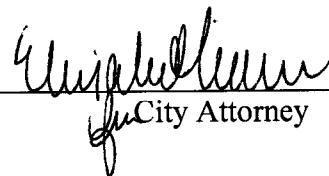
PASSED AND APPROVED this 9<sup>th</sup> day of September, 2004.



M A Y O R

**EDWARD D. GARZA**

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney